

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMESETTA MCFARLAND-LAWSON,

Plaintiff,

v.

Case No. 16-CV-685

BENJAMIN J. CARSON, SR.,
Secretary of the Department of Housing
and Urban Development,

Defendant.

ORDER

Before the court is Plaintiff Jamesetta McFarland-Lawson's motion for reconsideration (ECF No. 132) and renewed motion for leave to appeal without prepaying the filing fee (ECF No. 133). McFarland-Lawson subsequently filed another motion for leave to appeal without prepaying the filing fee. (ECF No. 134.) Judge Jones had denied her initial request. (ECF No. 131.)

In her motion for reconsideration, McFarland-Lawson states that she made an error in completing her affidavit. (ECF No. 132 at 1.) She claims that she misunderstood "[a]verage monthly amount during the past 12 months" to mean her yearly income. (*Id.*) Therefore, she mistakenly thought she was writing that \$4,800 was her yearly income, not

monthly. (*Id.*) In his order, Judge Jones discussed her purported monthly income. (ECF No. 131 at 2 (“Ms. McFarland-Lawson’s motion is supported by an affidavit that demonstrates her current financial situation. Although she lists no official employment during the past two years, she claims to receive \$4,800 per month from self-employment over the last year.”) (internal citations omitted).)

Having reviewed McFarland-Lawson’s renewed request, the court concludes that she lacks the financial resources to prepay the fees and costs associated with this action. The court also notes that, in Judge Jones’s order denying her first motion for leave to appeal with prepaying the filing fee, Judge Jones did not make a finding that this appeal was not done in good faith. (ECF No. 131; *see* 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”).) Therefore, McFarland-Lawson’s motion to leave to appeal without prepaying the filing fee will be **granted**.

IT IS THEREFORE ORDERED that McFarland-Lawson’s motion for reconsideration (ECF No. 132) and renewed motion for leave to appeal without prepayment of the filing fee (ECF No. 133) are **granted**.

Dated at Milwaukee, Wisconsin this 30th day of October, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge